



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
July 21, 2003**

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17-03

DMB:dmb

The meeting was called to order at 9:40 a.m., with all Members being present, and with Chairman Hanley presiding.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Christina M. Manning, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS

1. **MOMENT OF SILENCE** (Tape 1)

Chairman Hanley asked everyone to continue to keep in thoughts those who defend the country at home and around the world and the families that support them.

2. **OPENING OF THE MOUNT VERNON DISTRICT GOVERNMENTAL CENTER** (Tape 1)

Chairman Hanley acknowledged the opening of the new Mount Vernon District Governmental Center on Wednesday, July 16, 2003.

AGENDA ITEMS

3. **CERTIFICATE OF RECOGNITION PRESENTED TO JAMES MADISON HIGH SCHOOL BASEBALL AND SOFTBALL TEAMS** (Tape 1)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to members of the James Madison High School baseball and softball teams for

their accomplishments. The motion, the second to which was inaudible, carried by unanimous vote.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE COMMUNITY DIALOGUE ON TRANSPORTATION AND LAND USE** (Tape 1)

Supervisor Bulova moved approval of the Certificate of Recognition presented to members of the Community Dialogue on Transportation and Land Use for their work. Supervisor McConnell seconded the motion and it carried by unanimous vote.

ADDITIONAL BOARD MATTER

5. **WELCOME TO DELEGATE VIVIAN E. WATTS** (Tape 1)

Chairman Hanley recognized the presence of Vivian E. Watts, Virginia House of Delegates, 39th District, and warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. LYDIA THOMAS** (Tape 1)

Supervisor Connolly moved approval of the Certificate of Recognition presented to Ms. Lydia Thomas for her selection as the recipient of the 2003 Black Engineer of the Year Award. Chairman Hanley seconded the motion and it carried by unanimous vote.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MEMBERS OF THE LORTON COMPUTER LEARNING CENTERS PARTNERSHIP** (Tape 1)

Supervisor Hyland moved approval of the Certificate of Recognition presented to members of the Lorton Computer Learning Centers partnership. Supervisor Hudgins seconded the motion and it carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO HERNDON FREE CLINIC** (Tape 1)

Supervisor Mendelsohn moved approval of the Certificate of Recognition presented to Herndon Free Clinic on its first anniversary. Supervisor Connolly seconded the motion and it carried by unanimous vote.

9. **10 A.M. – PRESENTATION OF THE VOLUNTEER FIREFIGHTER OF THE YEAR AWARDS** (Tape 1)

Tim Fleming, Chairman, Volunteer Fire Commission and Bob Mizer, Volunteer Liaison, Fairfax County Fire and Rescue Department (FRD) presented the 2002 Volunteer Fire Service Awards to the following individuals who have demonstrated extraordinary commitment to the FRD through hundreds of hours of time spent providing Fire and Emergency Medical Service or in other roles to support the goals of the County combined career-volunteer system:

- Volunteer Firefighter – Bryan Knupp, Burke Volunteer Fire and Rescue Department
- Volunteer Operational Officer – Michael Masciola, Dunn Loring Volunteer Fire and Rescue Department
- Volunteer ALS Provider – Lieutenant Al Woolf, Fair Oaks Volunteer Fire and Rescue Company
- Volunteer BLS Provider – Deborah Volker, Franconia Volunteer Department
Shawn Stokes, Dunn Loring Volunteer Fire and Rescue Department
- Volunteer EMS Provider – Heather Sinclair, Dunn Loring Volunteer Fire and Rescue Department
- Rookie of the Year – John Morrison, Vienna Volunteer Fire Department
Kenneth Chotiner, Franconia Volunteer Fire Department
- Administrative Officer – Keith O'Connor, Burke Volunteer Fire and Rescue Department
- Administrative Member – Leonard Bacon, Franconia Volunteer Fire Department
Ronald Waller, Annandale Volunteer Fire Department

- Canteen Member
 - Genny Aldridge, Vienna Volunteer Fire Department
 - Ann Marie Michlowski, Vienna Volunteer Fire Department
- Fire Commission Special Recognition Award
 - John Conroy, Department of Vehicle Services

10. **10:15 A.M. – PRESENTATION ON AFTER SCHOOL PROGRAMS FOR MIDDLE SCHOOL YOUTH** (Tapes 1-2)

Mark Emery, After-School Task Force Chair, Fairfax Partnership for Youth, gave the presentation and discussion ensued.

PW:pw

11. **10:30 A.M. – APPOINTMENTS TO CITIZENS BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (Tape 3)

(APPTS)
(BACs)

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

Supervisor Hudgins moved the appointment of Ms. Kathy J. Cutri to fill the unexpired term of Mr. Ben C. Gaither, III as the At-Large #5 Representative to the Alcohol Safety Action Program Local Policy Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

CONFIRMATIONS:

Supervisor Hyland moved the confirmation of the following appointments to the Alcohol Safety Action Program Local Policy Board:

- Mr. David A. Jacobs as the Fairfax-Falls Church Community Services Board Representative
- Ms. Sally Withers as the Fairfax-Falls Church Community Services Board Alternate Representative
- Ms. Laura Dawson as the MADD Representative

Supervisor Connolly seconded the motion, which carried by unanimous vote.

ATHLETIC COUNCIL

The Board deferred the appointment of the Lee District Alternate Representative and the Women's Sports Association Alternate Representative to the Athletic Council.

AUDIT COMMITTEE

Supervisor Kauffman moved the appointment of Mr. Frederick L. Haynes to fill the unexpired term of Ms. Barbara J. Fried as the At-Large #1 Representative to the Audit Committee. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

Supervisor Hudgins moved the appointment of Ms. Traci Claar to fill the unexpired term of Ms. Patricia Garcia-Dunn as the Hunter Mill Representative to the Commission for Women. Supervisor Hyland seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the At-Large (Minority) Representative and the Sully District Representative to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Dranesville District Representative to the Community Action Advisory Board.

COMMUNITY POLICY AND MANAGEMENT TEAM FOR SERVICES TO AT-RISK YOUTH AND FAMILIES**CONFIRMATIONS:**

Supervisor Hudgins moved the confirmation of the following appointments to the Community Policy and Management Team for Services to At-Risk Youth and Families:

- Mr. Robert Rexrode as the Parent #2 Representative
- Mr. Steven C. Bosch as the Private Services Provider #1 Representative

- Rick Leichtweis, Ph.D. as the Private Services Provider #2 Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

CONSUMER PROTECTION COMMISSION

Supervisor Connolly moved the reappointment of Mr. Stephen C. Shannon as the Fairfax County Resident #3 Representative to the Consumer Protection Commission. Chairman Hanley seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the reappointment of Mr. Samuel A. Simon as the Fairfax County Resident #8 Representative to the Consumer Protection Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the following reappointments to the Consumer Protection Commission:

- Mr. Larry E. Willner as the Fairfax County Resident #9 Representative
- Mr. John T. Fee as the Fairfax County Resident #10 Representative

Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Chairman Hanley moved the reappointment of Mr. Davood Sedaghatfar as the Fairfax County Resident #13 Representative to the Consumer Protection Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Fairfax County Resident #6, #7, and #12 Representatives to the Consumer Protection Commission.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointments of the Braddock, Hunter Mill, Mason, and Springfield District Representatives to the Criminal Justice Advisory Board.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Sully District Representative to the Fairfax Area Disability Services Board.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

The Board deferred the appointments of the Gas Fitter Tradesman, HVAC Tradesman #1 and #2, and Plumbing Tradesman #1 and #2 Representatives to the Fairfax County Construction Trades Advisory Board.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Supervisor Gross moved the reappointment of Mr. Gordon R. Trapnell as the At-Large #2 Representative to the Fairfax County Employees' Retirement System Board of Trustees. Chairman Hanley seconded the motion, which carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Hanley moved the appointment of Ms. Diane Engster as the At-Large #1 Chairman's Representative to the Fairfax-Falls Church Community Services Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

HEALTH CARE ADVISORY BOARD

The Board deferred the appointments of the Hunter Mill and Sully District Representatives to the Health Care Advisory Board.

HEALTH SYSTEMS AGENCY BOARD

Chairman Hanley moved the appointment of Mr. James E. Sutton as the Consumer #3 Representative to the Health Systems Agency Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the appointment of Mr. Jerry L. Little as the Consumer #1 Representative to the Health Systems Agency Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Provider #1 Representative to the Health Systems Agency Board.

(NOTE: Later in the meeting, additional action was taken regarding this board. See Clerk's Summary Item CL#12.)

HISTORY COMMISSION

The Board deferred the appointment of the Citizen/Minority Representative to the History Commission.

HUMAN RIGHTS COMMISSION

Supervisor Kauffman moved the appointment of Mr. Michel Margosis to fill the unexpired term of Ms. Lisa Helfman as the At-Large #7 Representative to the Human Rights Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

HUMAN SERVICES COUNCIL

Chairman Hanley moved the reappointment of Mr. Kevin H. Bell as the At-Large Chairman's Representative to the Human Services Council. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the reappointment of Mr. Raymond Burmester as the Braddock District #2 Representative to the Human Services Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Mendelsohn moved the reappointment of Ms. Virginia P. Norton as the Dranesville District #1 Representative to the Human Services Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the reappointment of Ms. Marnie Wightman as the Sully District #2 Representative to the Human Services Council. Supervisor Connolly seconded the motion, which carried by unanimous vote.

LIBRARY BOARD

Chairman Hanley moved the reappointment of Ms. Joyce D. Andrews as the At-Large Representative to the Library Board. Supervisor Connolly and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

The Board deferred the appointment of the Fairfax County #1 Representative to the Northern Virginia Community College Board.

NORTHERN VIRGINIA REGIONAL COMMISSION

Supervisor Gross moved the appointment of Mr. D. Patrick Lewis as the Fairfax County Resident #5 Representative to the Northern Virginia Regional Commission. Supervisor Connolly seconded the motion, which carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the At-Large Chairman's Representative and the Hunter Mill District Representative to the Oversight Committee on Drinking and Driving.

POLICE OFFICERS RETIREMENT SYSTEM BOARD

The Board deferred the appointment of the Citizen At-Large #2 Representative to the Police Officers Retirement System Board.

TENANT LANDLORD COMMISSION

Supervisor Connolly moved the appointment of Mr. Michael Curtis Aho to fill the unexpired term of Mr. Lawrence T. Friend as the Tenant Member #1 Representative to the Tenant Landlord Commission. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Chairman Hanley asked everyone to keep in thoughts and prayers the family of Ms. Terri L. Owen who recently died. Ms. Owen was a former member of the Tenant Landlord Commission.

The Board deferred the appointments of the Condominium Owner and Tenant Member #3 Representatives to the Tenant Landlord Commission.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Sully District Representative to the Transportation Advisory Commission.

ADDITIONAL APPOINTMENT**ADVISORY SOCIAL SERVICES BOARD**

Supervisor Hudgins moved the appointment of Mr. Jeffrey C. Weinstock to fill the unexpired term of Ms. Kathy J. Cutri as the Hunter Mill District Representative to the Advisory Social Services Board. Supervisor Connolly seconded the motion, which carried by unanimous vote.

ADDITIONAL BOARD MATTERS

12. **RECOGNITION OF OUTGOING MEMBERS OF THE HEALTH SYSTEMS AGENCY BOARD** (Tape 3)

(BACs) Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and jointly with Supervisor McConnell asked unanimous consent that the Board direct staff to invite Mr. William G. Ehlman, Mr. James Edmondson, and Mr. Robert

Greenburg to appear before the Board to be recognized for their many years of service to the Health Systems Agency Board. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

13. **RED FOLDERS** (Tape 3)

Chairman Hanley called the Board Members' attention to their red folders and noted that they contained a revised Agenda, Admin 11, and Action Item A-6. She also noted that Information Item I-2 was withdrawn and resubmitted as Action Item A-7.

AGENDA ITEMS

14. **ADMINISTRATIVE ITEMS** (Tape 3)

Supervisor Connolly moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Mendelsohn asked to amend the motion to consider Admin 10 separately, and this was accepted.

Supervisor Connolly called the Board's attention to Admin 4 – Supplemental Appropriation Resolution AS 04018 for the Department of Family Services to Accept Grant Funds for Fiscal Year 2004 Title V, Seniors in Community Services Employment Program and asked unanimous consent that the Board direct staff to provide information as to whether the cities of Fairfax and Falls Church participate in the cash match. Without objection, it was so ordered.

Discussion ensued with input from Verdia Haywood, Deputy County Executive.

The question was called on the motion, as amended with the exception of Admin 10, and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR PUBLIC FACILITY 2232 REVIEW APPLICATIONS (DRANESVILLE AND SULLY DISTRICTS)

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

- Application FS-Y03-13 to October 20, 2003

- Application FS-D03-15 to October 20, 2003

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-P-030, ENTERPRISE LEASING COMPANY, D/B/A ENTERPRISE RENT-A-CAR (PROVIDENCE DISTRICT)

- (AT) Approved five months of additional time to commence construction for Special Exception Application SE 01-P-030, to December 28, 2003, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – ADOPTION OF A RESOLUTION AUTHORIZING ISSUANCE BY THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) OF REVENUE BONDS ON BEHALF OF THE MADEIRA SCHOOL (DRANESVILLE DISTRICT)

- (BONDS)
(R) Adopted the Resolution approving the issuance of up to \$20 million in revenue bonds by the EDA for The Madeira School located at 8328 Georgetown Pike.

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04018 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDS FOR FISCAL YEAR 2004 TITLE V, SENIORS IN COMMUNITY SERVICES EMPLOYMENT PROGRAM (SCSEP)

- (SAR) (NOTE: Earlier in the meeting, action was taken regarding this item. See page 10.)

Approved SAR AS 04018 in the amount of \$140,654 for the Title V, SCSEP Older Worker Employment Program. A ten percent local cash match of \$14,065 is required.

ADMIN 5 – AUTHORIZATION FOR THE FAIRFAX COUNTY OFFICE OF THE SHERIFF TO APPLY FOR GRANT FUNDS FROM THE US DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR THE RESERVE DEPUTY SHERIFF PROGRAM

Authorized the Office of the Sheriff to apply for Federal grant funding in the amount of \$49,684 from the US Department of Justice, COPS, to a Request for Proposal for the Enhancement of Community Policing, Applied Research/Pilot Program, Volunteer in Police Service. No local cash match is required.

ADMIN 6 – INSTALLATION OF A MULTI-WAY STOP FOR BENJAMIN STREET AT LAWTON STREET AND HIGHLAND LANE AT ROSEMONT AVENUE (DRANESVILLE AND MOUNT VERNON DISTRICTS)

- Endorsed the installation of multi-way stops as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:
 - Benjamin Street at Lawton Street (Dranesville District)
 - Highland Lane at Rosemont Avenue (Mount Vernon District)
- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 7 – RESOLUTION TO INSTALL "WATCH FOR CHILDREN" SIGNS ON WESTWOOD FOREST DRIVE AND MADLEY COURT (PROVIDENCE AND SPRINGFIELD DISTRICTS)

- (R) Adopted the Resolution endorsing the installation of "Watch for Children" signs as part of the Fairfax County Department of Transportation's Residential Traffic Administration Program at the following locations:

- Westwood Forest Drive (Providence District)
- Madley Court (Springfield District)

ADMIN 8 – STREETS INTO THE SECONDARY SYSTEM (LEE AND MOUNT VERNON DISTRICTS)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Alban Center	Lee	Alban Road Route 790 Additional ROW Only
Kingstowne, Section 45, Phase 2	Lee	Horgan Court

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Smith Property (Springfield Station, Phase 1)	Lee	Springfield Mall Road Route 4214 Additional ROW Only
Mount Vee	Mount Vernon	Richmond Highway Route 1 Additional ROW Only Central Avenue Route 781 Additional ROWs Only

**ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04016 TO OPERATE THE SPRINGFIELD MALL CONNECTOR
STORE**

(SAR) Approved SAR AS 04015 in the amount of \$200,000 to maintain operation of the Springfield Connector Store from May 15, 2003, through May 14, 2004. Fiscal Year 2003 Congestion Mitigation Air Quality funds are available to continue the management and operation. No local cash match is required.

**ADMIN 10 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS
ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION
ORDINANCE), REGARDING THE CHESAPEAKE BAY
PRESERVATION AREAS MAP, AND THE PUBLIC FACILITIES
MANUAL REGARDING INTENSELY DEVELOPED AREAS**

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#15.)

**ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 3 AND 7,
REGARDING THE POLICE OFFICERS AND UNIFORMED
RETIREMENT SYSTEMS – DEFERRED RETIREMENT OPTION
PROGRAM (DROP)**

(A) Authorized the advertisement of a public hearing to be held before the Board on **August 4, 2003, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 3 and 7, regarding DROP.

15. **ADMIN 10 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE), REGARDING THE CHESAPEAKE BAY PRESERVATION AREAS MAP, AND THE PUBLIC FACILITIES MANUAL (PFM) REGARDING INTENSELY DEVELOPED AREAS (IDAS)** (Tape 3)

(A) (NOTE: Earlier in the meeting, the Board deferred action on this item. See Clerk's Summary Item CL#14.)

Supervisor Connolly moved that the Board authorize the advertisement of a public hearing to be held before the Planning Commission on September 25, 2003, and before the Board on October 20, 2003, to consider proposed amendments to the Code of the County of Fairfax, Chapter 118 (Chesapeake Bay Preservation Ordinance), regarding the Chesapeake Bay Preservation Area Map, and the PFM, regarding IDAs. Chairman Hanley seconded the motion.

Extensive discussion ensued with input from John Friedman, Engineer III, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services; Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; and Noel Kaplan, Senior Environmental Planner, Department of Planning and Zoning.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information on expanding the pro rata share in an IDA. Without objection, it was so ordered.

Supervisor Mendelsohn moved to amend the motion to authorize the advertisement of a public hearing to be held before the Board on November 17, 2003, instead of October 20, 2003. Supervisor Frey seconded the motion and it **FAILED** by a recorded vote of five, Supervisor Frey, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, and Supervisor Mendelsohn voting "AYE."

Supervisor Kauffman asked to amend the motion to include the Environmental Quality Advisory Council in the review process before it comes before the Planning Commission, and this was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

16. **A-1 – APPROVAL OF THE FISCAL YEAR (FY) 2004 STATE PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) AND THE VIRGINIA DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (VDMHMRSAS)**
(Tape 3)

Supervisor Hyland moved that the Board concur in the recommendation of staff and:

- Approve CSB's acceptance of funds with VDMHMRSAS.
- Approve the FY 2004 State Performance Contract with VDMHMRSAS.

Supervisor Connolly seconded the motion.

Discussion ensued with input from James P. Stratoudakis, Director, Quality Management and Emergency Preparedness, Fairfax-Falls Church Community Services Board.

The question was called on the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to provide a synopsis on priority populations, such as treatment issues and definitions. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

17. **A-2 – AUTHORIZATION FOR THE FAIRFAX COUNTY HUMAN RIGHTS COMMISSION (FCHRC) TO ENTER INTO AN AGREEMENT FOR INTERIM REFERRALS OR OTHER UTILIZATION OF SERVICES BETWEEN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND FCHRC** (Tape 3)

On motion of Supervisor Gross, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Mendelsohn being out of the room, the Board concurred in the recommendation of staff and approved FCHRC's entering into an agreement with HUD to provide for referral of fair housing complaints between HUD and FCHRC and setting forth the terms and conditions upon which such referrals will be made.

18. **A-3 – PARKING REDUCTION FOR TYSONS CORNER CENTER (PROVIDENCE DISTRICT)** (Tapes 3-4)

Supervisor McConnell moved that the Board concur in the recommendation of staff and approve a parking reduction of 3.2 percent for Phase 7 and 5.3 percent for Phase 8 expansions of the Tysons Corner Center Mall, pursuant to Paragraph 4(B), Section 11-102 of the Fairfax County Zoning Ordinance, and based on an analysis of the parking requirement for each use on the site and a shared use parking study, on the conditions outlined in the Board Agenda Item dated July 21, 2003. Supervisor Connolly seconded the motion.

Discussion ensued with input from Ray Curd, Director, Code Analysis Division, Office of Site Development Services, Department of Public Works and Environmental Services.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Mendelsohn voting "NAY."

19. **A-4 – SALE OF FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) LEASE REVENUE REFUNDING BONDS (GOVERNMENT CENTER PROPERTIES) SERIES 2003** (Tape 4)

(BONDS)
(R)

Supervisor McConnell moved that the Board concur in the recommendation of staff and adopt the Resolution authorizing the sale of EDA Lease Revenue Refunding Bonds which authorizes the following actions:

- Requests the EDA to issue the refunding bonds.
- Approves the form of the Second Supplemental Trust Agreement.
- Approves the form of the First Supplemental Lease.
- Approves the form of the First Supplemental Sublease.
- Approves the form of the Notice of Sale.
- Approves the form of the Preliminary Official Statement.
- Approves the form of the Continuing Disclosure Agreement.
- Authorizes the execution and delivery of the documents and authorizes the Chairman, Vice-Chairman, County Executive, and Chief Financial Officer to determine certain details of the transaction.

Supervisor Bulova seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross,

Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

A brief discussion ensued with input from Anthony H. Griffin, County Executive.

20. **A-5 – PROPOSED FEDERAL CAPITAL IMPROVEMENT PROGRAM (CIP) - NATIONAL CAPITAL REGION, FISCAL YEARS (FY) 2004 - 2009**
(Tape 4)

On motion of Supervisor Kauffman, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized staff to submit comments as outlined in Revised Attachment 1 provided to the Board at the meeting to the National Capital Planning Commission stating that while, in general, the County endorses the proposed Federal CIP, FY 2004-FY 2009, the County desires to receive complete details and be given the opportunity to review and comment on all projects as they move towards final planning, land acquisition, and construction.

21. **A-6 – AMENDMENT TO THE FAIRFAX COUNTY CONSTRUCTION SAFETY RESOLUTION** (Tape 4)

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and moved to defer adoption of the amendments to the Fairfax County Construction Safety Resolution. Supervisor Connolly seconded the motion and it carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

22. **A-7 – REFINANCING OF THREE LOANS GUARANTEED UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974** (Tape 4)

(NOTE: This item replaces Information Item I-2. See Clerk's Summary Item CL#24.)

On motion of Supervisor Hudgins, seconded by Supervisor Connolly, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized and directed staff to execute contracts, notes, and other required documents for the refinancing of the following:

- One loan guaranteed under Section 108 of the Housing and Community Development Act of 1974, as amended, and secured by notes issued as part of the US Government Guaranteed Notes, Series 1992-A.

- Two loans guaranteed under Section 108 of the Housing and Community Development Act of 1974, as amended, and secured by notes issued as part of the US Government Guaranteed Notes, Series 1994-A.

23. **I-1 – CONSOLIDATED PLAN CERTIFICATION FOR HISPANIC COMMITTEE OF VIRGINIA** (Tape 4)

The Board next considered an item contained in the Board Agenda dated July 21, 2003, requesting authorization for the County Executive to sign the Consolidated Plan certification and provide it to the nonprofit organization known as Hispanic Committee of Virginia for inclusion with its application to the US Department of Housing and Urban Development Housing Counseling program.

The staff was directed administratively to proceed as proposed.

24. **I-2 – REFINANCING OF THREE LOANS GUARANTEED UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974** (Tape 4)

(NOTE: Earlier in the meeting, action was taken regarding this item. See Clerk's Summary Item CL#22.)

This item was withdrawn by staff and resubmitted as Action Item 7.

25. **I-3 – CONTRACT AWARD – ATHLETIC FIELD IMPROVEMENTS AT HOOES ROAD PARK (LEE DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated July 21, 2003, requesting authorization for staff to award a contract to McLean Irrigation in the amount of \$687,220 for construction of athletic field improvements and related work at Hooes Road Park in Project 474198, Athletic Fields, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

26. **I-4 – CONTRACT AWARD – WAKEFIELD PARK SKATE PARK CONCRETE SLAB (BRADDOCK DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated July 21, 2003, requesting authorization for staff to award a contract to Tan-Kat Corporation in the amount of \$365,000 for construction of a skate park concrete slab and related improvements at Wakefield Park in Project 475998, Playgrounds, Picnic Areas and Shelters, Tennis and Multi-use Courts, in Fund 370, Park Authority Bond Construction.

The staff was directed administratively to proceed as proposed.

27. **I-5 – CONTRACT AWARD – RESTON COMMUNITY CENTER THEATER DIMMING SYSTEM REPLACEMENT (HUNTER MILL DISTRICT)** (Tape 4)

The Board next considered an item contained in the Board Agenda dated July 21, 2003, requesting authorization for staff to award a contract to Texas Scenic Company, Incorporated, in the amount of \$287,000 for construction of the Reston Community Center Theater Dimming System Replacement, in Fund 111, Reston Community Center.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

28. **COMBINED CHARITABLE CAMPAIGN MONTH** (Tape 5)

Chairman Hanley said that the Combined Charitable Campaign leadership for 2003 requested the opportunity to appear before the Board to emphasize the importance of employee giving. The theme of this year's campaign, conducted by both the Schools and the County, is "The Need is Greater in 2003." Accordingly, she relinquished the Chair to Vice-Chairman Hyland and moved that the Board direct staff to invite the appropriate individuals to appear before the Board on September 15, 2003, to receive a proclamation declaring October as "*Combined Charitable Campaign Month*" in Fairfax County. Supervisor Connolly seconded the motion, which carried by unanimous vote.

29. **ENVIRONMENTAL ENTERPRISE** (Tape 5)

With reference to information she distributed to the Board, Chairman Hanley stated that the County was recognized as an "Environmental Enterprise" by the Commonwealth of Virginia Department of Environmental Quality's (DEQ) Environmental Excellence Program. The program recognizes organizations, such as manufacturers, state/local governments, non-government organizations, schools, and small businesses that implement an environmental management program--a cohesive, comprehensive set of written environmental policies and procedures which identify environmental goals and objectives and defines how the organization will meet them. Inclusion in this program is a recognition of the significant actions that the County has been taking to improve the environment and is the culmination of a two year long application process.

Accordingly, Chairman Hanley moved that the Board direct staff to invite representatives from the DEQ to appear before the Board to present additional information on this program and the County's inclusion in it. Supervisor Connolly seconded the motion, which carried by unanimous vote.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

30. **REQUEST FOR IMPACT OF ADDITIONAL GUEST PASSES FOR RESIDENTIAL PERMIT PARKING DISTRICTS (RPPDs)** (Tape 5)

In a joint Board Matter presented with Supervisor Hyland, Supervisor Mendelsohn reminded the Board that on July 7, 2003, it adopted amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Article 5A, regarding RPPDs. One of those amendments restricted the use of parking passes by anyone other than a person visiting a residence in that RPPD. At the public hearing, a Herndon resident testified about the negative impact caused by the current ordinance restriction of one visitor per pass per address. Supervisor Hyland, in his role as Vice-Chairman during that hearing, called for the Board to direct staff to work with this individual on a possible solution.

Supervisor Mendelsohn said that several other Board Members had observed difficulties with the single visitor pass restriction. He also noted that the RPPD ordinance was enacted 20 years ago and consideration of some provisions are in order.

Supervisor Mendelsohn mentioned suggestions that included consideration of the issuance of the number of guest passes to equal the number of cars that can be parked along the frontage of the residential property as well as suggestions regarding summer permits for children who domicile their vehicles elsewhere during the school year.

Accordingly, Supervisor Mendelsohn, jointly with Supervisor Hyland, moved that the Board direct staff to report with the following:

- The impact of adding additional guest passes for each residence in an RPPD.
- Alternatives on how the ordinance could be amended to consider such requests from constituents.

Supervisor Bulova seconded the motion, which carried by unanimous vote.

31. **COMMUTER TAX** (Tape 5)

Supervisor Frey, jointly with Supervisor Mendelsohn and Supervisor Connolly (the latter of whom had distributed a separate item on this subject), reminded the Board that the Mayor and City Council of the District of Columbia (DC) voted last week to join as co-plaintiffs in a lawsuit to overturn a standing federal prohibition on the imposition of a "commuter tax." If successful, DC intends to exact a new source of revenue from the thousands of County residents employed in the nation's capital.

Supervisor Frey noted that this action damages the spirit of regional cooperation between DC, Virginia, and Maryland. He also made reference to comments disparaging to Virginia made by DC Councilman Jack Evans in an article in *The Washington Post*.

Accordingly, Supervisor Frey, jointly with Supervisor Connolly and Supervisor Mendelsohn, moved that the Board do the following:

- Adopt a formal position condemning the aggressive attempt of the DC City government to overturn the federal Home Rule Act, calling upon the County Congressional delegation to vigorously defend the region and the country from this effort to strike at the District Clause of the Constitution and calling upon Congress to continue its efforts to encourage better financial management within DC.
- Direct the County Attorney to take any and all action necessary to protect the legal interests of the citizens of the County against this political onslaught.
- Express its outrage and disappointment over the comments attributed to Councilmember Evans and call on him to publicly apologize to the people of the Commonwealth of Virginia.

Supervisor Mendelsohn seconded the motion.

Supervisor Frey also distributed a statement issued by Sean T. Connaughton, Chairman of the Prince William Board of County Supervisors.

Following discussion, Supervisor Connolly asked to amend the motion to substitute the first bullet as follows:

- Reaffirm its previous opposition to a DC commuter tax and vote to adopt a position condemning the filing of this lawsuit, which would move the County toward such a tax.

This was accepted.

Chairman Hanley reminded the audience that the Board has been on record opposing the imposition of a commuter tax, both in 1992 and 1995.

Following discussion, Supervisor Kauffman suggested that the Board invite Councilmember Evans to the Celebrate Fairfax! festival.

Following further discussion, the question was called on the motion, as amended, which carried by unanimous vote.

Further discussion ensued.

32. **BOY SCOUT CAMP ASSEMBLY AREA** (Tape 5)

Supervisor Frey stated that the Boy Scouts in Northern Virginia have used the PRC parking lots as an assembly point for their annual summer trips to camp. Because the scouts will lose access to the parking lots after this summer, Supervisor Frey asked unanimous consent that the Board direct staff to work with the Northern Virginia Scouting leadership to determine whether the County could accommodate them in the parking lots of the Government Center complex. The camps do not start until late in June so there should be no conflict with Celebrate Fairfax! Without objection, it was so ordered.

33. **AAA MID-ATLANTIC 2003 OUTSTANDING SAFETY PATROL (BRADDOCK DISTRICT)** (Tape 5)

Supervisor Bulova announced that the AAA Mid-Atlantic named Michael Butters the 2003 Outstanding School Safety Patrol. He was one of just three safety patrols in the nation honored this year by the AAA Lifesaver Award. As a sixth grader at Holy Spirit Catholic School in Annandale, his quick thinking and heroic action saved the life of the first-grade girl who ran out into a busy road. Supervisor Bulova provided background material on Michael who handles his duties responsibly and with good humor.

To properly congratulate Michael Butters for being named 2003 Outstanding School Safety Patrol from among 500,000 patrols at 50,000 schools, Supervisor Bulova moved that the Board direct staff to invite him to appear before the Board prior to the August recess. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Hyland being out of the room.

34. **STARLIT PONDS AND OTHER HOMEOWNER ASSOCIATION (HOA) DRAINAGE ISSUES (BRADDOCK DISTRICT)** (Tape 5)

Supervisor Bulova explained to the Board that Starlit Ponds is a community built in the 1970s on property that had previously been a golf course. To make the community more affordable, the developer was allowed to build private, substandard streets and was permitted to let two existing ponds serve as the site's storm water detention ponds. Maintenance of the substandard streets has been costly for the small neighborhood, but the wet ponds have created a hardship for the 130-home community. The ponds were never properly constructed to serve as adequate detention facilities.

Supervisor Bulova said that the HOA has struggled to maintain the ponds and to pay higher liability insurance premiums for having wet ponds. During the past 15 years, the Board has attempted to assist the Starlit Ponds HOA. In 1991, staff met with the HOA leadership to discuss converting the wet ponds to dry ponds, to

relieve burdensome maintenance costs, but conversion was too expensive. In 1998 the University of Maryland Environmental Finance Center conducted a "Charette" to explore options for dredging or converting the ponds, and to identify funding sources.

Following the Charette, Supervisor Bulova said that the Northern Virginia Planning District Commission (now named the Northern Virginia Regional Commission) applied for a grant to the Commonwealth's Department of Conservation and Recreation through its Water Quality Improvement Fund Grant Program. The community had agreed to contribute \$62,000 toward the \$240,000 project to restore and improve the larger pond and convert the smaller pond into a wetland fore bay ("rain garden"), but the grant application was unsuccessful despite Board endorsement of the project.

Supervisor Bulova said that by levying a significant special assessment on the residents, the HOA contracted with a private company to repair the dam structure and dredge the two ponds. The contractor proceeded with the dredging work before receiving an approved grading plan from the County. Because of a downstream complaint, the County issued a Notice of Violation and Stop Work Order. Before work can continue, the community must pay for an engineered plan for the dredging work. The situation must be resolved because the ponds have been drained. The additional costs to resume work place an undue financial burden on the Starlit Ponds residents.

Accordingly, Supervisor Bulova moved that the Board direct staff of the Department of Public Works and Environmental Services (DPWES), in conjunction with the County Attorney, to review all costs associated with the grading plan and inspections to determine how best to waive or reduce the fees. Supervisor McConnell seconded the motion.

Supervisor Frey said that recently he sent a memorandum to the Director of DPWES regarding two communities that are trying to get plans approved to perform maintenance work on either drainage areas or stormwater wet ponds and are having a difficult process. He had asked staff to review the process for civic associations and HOAs because in the near future more communities are going to have to perform maintenance or upgrades to detention/retention facilities.

Accordingly, Supervisor Frey asked to amend the motion to direct staff to also review fees and plan approvals as part of the entire process.

This amendment was accepted with the stipulation that the Board direct staff to address the critical situation with Starlit Ponds.

Following discussion, Supervisor McConnell asked to amend the motion to direct staff to pursue federal grants as part of the provisions of the Clean Water Act, and this was accepted.

Following further discussion, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Hyland being out of the room.

DMB:dmb

35. **WELCOME TO RYHAN FUTURI, A NEW INTERN IN SUPERVISOR KAUFFMAN'S OFFICE (LEE DISTRICT)** (Tape 6)

Supervisor Kauffman introduced a new intern in his office from the County Executive's High School Internship Program, Mr. Ryhan Futuri, a senior at Edison High School. Supervisor Kauffman warmly welcomed him to the Board Auditorium.

36. **REQUEST FOR THE COMMONWEALTH TRANSPORTATION BOARD (CTB) AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO EVALUATE THE HOT LANE PROJECT** (Tape 6)

Supervisor Kauffman said that the CTB and VDOT have begun a serious evaluation of the prospect of including "Hot Lanes" on the Capital Beltway. Among the items which should be considered is the ultimate scope of such a project. He said that recent media coverage of the proposal has included serious questions concerning the ability of this private-sector proposal to meet area mass transit needs. The current Hot Lane proposal avoids the Springfield area, which he said is shortsighted. Supervisor Kauffman said that by including bus ramp connections from the Hot Lanes to both the Franconia-Springfield and West Falls Church rail stations, the Hot Lane project could be turned into a viable Fredericksburg-Springfield-Tysons link and offer a short-term, economical alternative to the so-called "Purple Line" extension of Metro. He said that bus service on the Hot Lanes (tied to the Metro and VRE stations) would enable the County to link the Blue and Orange lines of Metro. Also, such a modification to the Hot Lane proposal would link the County's VRE commuter rail system to both Metrorail lines.

Therefore, Supervisor Kauffman, jointly with Supervisor Connolly, moved that the Board support a request that the CTB and VDOT evaluate the Hot Lane project as a potential opportunity to create a bus way connection between the Franconia-Springfield and West Falls Church Metro Stations.

Supervisor Connolly seconded the motion.

Supervisor Mendelsohn asked to amend the motion to read "...between the Franconia-Springfield Metro Station and the Tyson's area," and this was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

Supervisor Mendelsohn asked unanimous consent that the Board direct staff to provide information regarding the original Hot Lane proposal and information as to its impact on people living along the Beltway. Without objection, it was so ordered.

37. **HAPPY BIRTHDAY TO YOUNG HO CHANG, DIRECTOR, DEPARTMENT OF TRANSPORTATION** (Tape 6)

Chairman Hanley announced that today is the fortieth birthday of Young Ho Chang, Director, Department of Transportation, and she and the Board wished him many happy returns.

38. **REQUEST FOR CONCURRENT PROCESSING OF K. M. BUILDERS, INCORPORATED'S RECENTLY PURCHASED CONSOLIDATION SITE PROPERTY (LEE DISTRICT)** (Tape 6)

Supervisor Kauffman said that it has come to his attention the K. M. Builders, Incorporated, which has operated a contracting business in the County for nearly 20 years, needs to consolidate its operations and create an efficient corporate office and shop facility while remaining in the County. To that end it recently purchased a distressed property within the 1-95 Industrial Corridor and took the necessary action, prior to ownership, to work with the previous owner to correct existing zoning violations and have maintained the property, as owner, compliant with the Code of the County of Fairfax. Construction of this site, as currently shown on the generalized development plan, will create a benchmark for new construction in this corridor and raise the bar for future applicants for the northern end of Cinderbed Road. This application currently enjoys the support of the Lee District Land Use Advisory Committee, the Island Creek and Landsdowne communities, as well as County staff, and is compliant with the vision set forth in the Comprehensive Plan Amendment of 2000 for the Cinderbed Road corridor. It is scheduled to be heard before the Planning Commission this Wednesday.

Accordingly, Supervisor Kauffman moved that the Board direct staff to:

- Concurrently process the site plan, plats, waivers, permits, and related documents and applications to allow construction to begin as soon as possible.
- Schedule the public hearing to be held before the Board on Rezoning Application RZ 2003-LE-015 for September 15, 2003, to expedite the approval of this rezoning application.

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

39. **PUBLICATION OF THE ANNANDALE CLEAN-UP PROJECT (MASON DISTRICT)** (Tape 6)

Supervisor Gross said that August 2 is the date of the Annandale Clean-Up Project, whose theme is "Keeping Our Hometown Beautiful." This event, the second of its kind this year, is the creation of Helen Winter, an 80+-year-old legend in Annandale who could not sit still and allow the community that she and residents love, to not look its best all the time.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to publicize the Annandale Clean-Up to the appropriate media and County Web sites. She said that she has included a flyer, in English and Korean, that lists all the sponsoring organizations and has further details about the event. Without objection, it was so ordered.

40. **REQUEST FOR HIDDEN OAKS NATURE CENTER AS A CONSIDERATION ITEM FOR CARRYOVER (MASON DISTRICT)** (Tape 6)

Supervisor Gross said one of the unhappy consequences of the Fiscal Year 2004 Budget cuts was the closing, except for scheduled school tours, of the Hidden Oaks Nature Center in Annandale. Although the Park Authority was able to rearrange some staff hours elsewhere to accommodate opening to the public on Monday and Wednesday afternoons, the Nature Center is closed on the weekends. That means that many working families now are unable to visit the Nature Center at all. She said that she has been in touch with senior Park Authority staff, and was advised that the estimated cost to open Hidden Oaks Nature Center with seasonal employees for two additional half-days on the weekend would be about \$10,000 for the rest of the fiscal year. Opening on the weekend also would give the many student volunteers at Hidden Oaks an opportunity to continue their work as experienced volunteers in the community. Carryover funding for the rest of the fiscal year also would give the community, which has set up a Friends group, an opportunity to work with the Park Authority and others to find solutions for the long term budget challenges facing Hidden Oaks Nature Center.

Therefore, Supervisor Gross asked unanimous consent that the Board set down as a Consideration Item for Carryover, her request for \$10,000 for Hidden Oaks Nature Center. Without objection, it was so ordered.

41. **INTENT TO DEFER THE DECISION ON SPECIAL EXCEPTION SE 2002-MA-034 TEO CHEW ASSOCIATION OF GREATER WASHINGTON, INCORPORATED (MASON DISTRICT)** (Tape 6)

Supervisor Gross announced her intent later in the meeting to defer the decision on Special Exception Application SE 2002-MA-034.

(NOTE: Later in the meeting, this item was formally deferred. See Clerk's Summary Item CL#54.)

42. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT (PCA/FDPA) AND SCHEDULING OF THE PUBLIC HEARING (MASON DISTRICT)** (Tape 6)

Supervisor Gross said that in August of 2001, the Overlook Foundation, Incorporated, Homeowners Association requested assistance from staff in requiring Pulte Home Corporation to address traffic noise from I-395 as required by the proffers accepted by the Board in conjunction with Rezoning Application RZ 94-M-060. Since the time of the Overlook Foundation's request, staff has been working with the foundation and Pulte to conform with the referenced proffers. She said that Barbara Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning, determined in her June 30, 2003, letter to the Overlook Foundation that Pulte must file a PCA/FDPA to construct the improvements necessary to meet the intent of the original noise proffer. Because staff, the Overlook community, and Pulte have worked diligently to address the traffic noise issues, and the necessary changes to the proffers and development plan are minimal, Supervisor Gross said that she would like to expedite this case so that it may be heard before November.

Therefore, Supervisor Gross moved that the Board direct staff to conduct expedited and concurrent processing for this PCA/FDPA and schedule a public hearing to be held before the Board on, or prior to, October 27, 2003. This motion should not be construed as a favorable recommendation on the application by the Board and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

PMH:pmh

43. **SMART COMMUTE PROGRAM** (Tape 7)

Supervisor Hudgins said that Mr. Mike Scheurer of Fannie Mae presented his company's Smart Commute program to the Board and the Redevelopment and Housing Authority several weeks ago and requested the Board's cooperation with the program. The program would offer increased purchasing power to homeowners should they choose to purchase in the vicinity of a transit or bus stop, in an effort to encourage increased use of public transportation for commuting to and from work. Mr. Scheurer requested that the Board approve a level of support by allowing Fannie Mae and its partners to offer Smart Commute participants in the County reduced or free rates on the Fairfax Connector for a limited time.

Therefore, Supervisor Hudgins moved that the Board:

- Direct staff to bring to the Board several options for free or reduced Connector fares for program participants, with cost estimates.
- Officially support this program.
- Offer Fannie Mae the use of the County or Fairfax Connector logo in its promotional materials for the Smart Commute program.

Chairman Hanley seconded the motion.

Supervisor Kauffman asked to amend the motion to include wide distribution of this information, particularly to the transportation store, and this was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

44. **FOREST EDGE ELEMENTARY SCHOOL'S ODYSSEY OF THE MIND TEAM (HUNTER MILL DISTRICT)** (Tape 7)

Supervisor Hudgins said that the Forest Edge Elementary School's Odyssey of the Mind team, named the Odd Pod Structure earned a gold medal at the 2003 Odyssey of the Mind World Finals at Iowa State University. As the Virginia representative, Forest Edge competed against 38 other teams and emerged as the World Champions. She referred to her written Board Matter and outlined the details of the team's challenge.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite the Forest Edge Odyssey of the Mind team to appear before the Board to receive recognition for its outstanding accomplishment. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

45. **UNITED CHRISTIAN PARISH (HUNTER MILL DISTRICT)** (Tape 7)

Supervisor Hudgins said that the United Christian Parish began as a local ecumenical experiment and now has become a national ecumenical model. On June 10, the United Christian Parish officially celebrated its thirtieth anniversary and will continue celebrating throughout the year. The Parish celebrates 30 years of Methodist, Presbyterian Church USA, United Church of Christ, and Disciples of Christ. One church with four denominations is celebrating three decades of successful partnership in the community.

Supervisor Hudgins referred to her written Board Matter which outlined the accomplishments of the United Christian Parish.

Therefore, Supervisor Hudgins moved that the Board direct staff to invite the leaders of the United Christian Parish to appear before the Board to be recognized for their consummate community involvement and recognize the Reverend Suzanne Rudiselle upon her retirement after 15 years as pastor of the United Christian Parish. Chairman Hanley seconded the motion and it carried by a vote of nine, Supervisor Mendelsohn being out of the room.

46. **DEPARTMENT OF FAMILY SERVICES RECEIVES EXCEPTIONAL RECOGNITION** (Tape 7)

Supervisor Hudgins noted that the Department of Family Services, Child Youth and Family Division, received exceptional recognition for its child and family services.

Therefore, Supervisor Hudgins asked unanimous consent that the Board recognize those involved for the work that they do. Without objection, it was so ordered.

47. **OCCOQUAN RIVER** (Tape 7)

Supervisor McConnell reminded the Board that she had previously requested federal assistance in cleaning the Occoquan River. She noted that \$2.6 million in federal funds is available for the clean-up provided that the appropriate jurisdictions contribute approximately ten percent of the cost.

Following discussion, with input from Anthony H. Griffin, County Executive, Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to outline this project and provide its findings so that the Board can take action on August 4, 2003, to add it to the list of Consideration Items. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

48. **HELP AMERICA TO VOTE ACT OF 2002 (HAVA)** (Tape 7)

Supervisor Hyland said that last October, the HAVA was enacted to create opportunities to change the way absentee overseas voting is structured in the US. Section 702 of the Act (Public Law 107-252) amends the Uniformed and Overseas Citizens Absentee Voting Act to require that each State designate a single office to provide information to all absent uniformed services voters and overseas voters who wish to register or vote in any jurisdiction in the State.

Supervisor Hyland noted that Section 702 also recommended that this designated State office should be responsible “for accepting valid voter registration applications, absentee ballot applications and absentee ballots from all absent

uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.”

Accordingly, Supervisor Hyland moved that the Board direct staff to prepare a letter, for the Chairman's signature, indicating the Board's action and urging the General Assembly to:

- Require that each State designate a single office to provide information to all absent uniformed services voters and overseas voters who wish to register or vote in any jurisdiction in the State.
- Designate a State office to be responsible for accepting valid voter registration applications, absentee ballot applications and absentee ballots from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

Supervisor Connolly seconded the motion.

Following discussion, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Mendelsohn abstaining.

49. **CONCURRENT AND EXPEDITED PROCESSING REQUESTED BY DEL-RAY GLASS, INCORPORATED (MOUNT VERNON DISTRICT)**
(Tape 7)

Supervisor Hyland said that it has come to his attention that Del-Ray Glass, Incorporated, which has operated a business specializing in glass products within the City of Alexandria for over 53 years, needs to expand and relocate its operations and desires to create an efficient corporate office and shop facility within Fairfax County.

Accordingly, Supervisor Hyland moved that the Board direct staff to:

- Concurrently and expeditiously process the site plan, plats, waivers, permits, and related documents and applications to allow construction to begin as soon as possible.
- Work closely with the Virginia Department of Transportation to expedite the issuance of the necessary right-of-way permits associated with the site plan for improvements to the Richmond Highway and Beddoo Street frontages of this project.

This motion should not be construed as a favorable recommendation of this application by the Board and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Connolly seconded the motion and it carried by unanimous vote.

50. **CERTIFICATE OF RECOGNITION FOR MS. SUZANNE REYNOLDS**
(Tape 7)

Supervisor Hyland said that Suzanne Reynolds, Planner II with the Facilities Management Division, Department of Public Works and Environmental Services, is retiring from the County after more than 29 years of dedicated service.

Due to the recent renovation of the Mount Vernon Government Center, Supervisor Hyland said that he and his staff had the pleasure of working with Ms. Reynolds firsthand.

Accordingly, Supervisor Hyland moved that the Board endorse the Certificate of Recognition included with his written Board Matters for Ms. Reynolds. Chairman Hanley seconded the motion and it carried by unanimous vote.

51. **PROCEDURAL MEMORANDUM ON HARRASSMENT** (Tape 7)

Chairman Hanley referred to a memorandum from Anthony H. Griffin, County Executive, dated July 7, 2003, regarding harassment. She noted that the memorandum reaffirms the County's Policy concerning harassment, but does not include sexual orientation.

Therefore, she relinquished the Chair to Vice-Chairman Hyland and moved that the Board refer this issue to the County Attorney for review.

Following discussion, Chairman Hanley moved that Board direct staff to make the Procedural Memorandum 02-07 regarding sexual harassment consistent throughout the document with reference to sexual orientation. Supervisor Gross seconded the motion and it **CARRIED** by a recorded vote of eight, Supervisor Frey and Supervisor Mendelsohn voting "NAY."

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

52. **RECESS/CLOSED SESSION** (Tape 7)

At 1:05 p.m., Supervisor Connolly moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely

affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).

1. *W. John Layng and Carol Layng, Individually, and DBA Layng and Company Greenhouses v. Jane Gwinn, Zoning Administrator of Fairfax County, Virginia, and Board of Supervisors of Fairfax County, Virginia*, In Chancery No. 162042 (Fx. Co. Cir. Ct.) (Dranesville District)
2. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Joseph G. Bonzano*, In Chancery No. 179735 (Fx. Co. Cir. Ct.) (Lee District)
3. *Board of Supervisors v. Heron Pines, L.C., et al.*, At Law No. 215344 (Fx. Co. Cir. Ct.) (Sully District)

And in addition:

- The public ingress/egress easement that is over the property that is the subject of Special Permit Application SPA 80-S-043-2.
- Koll Metropolitan and Koll Metropolitan 1 contracts for the purchase of Land Bay A.
- Ordinance of the Town of Herndon, Virginia, dated April 8, 2003, to amend and reordain Article III, Consumer Utility Tax, Chapter 30, Finance and Taxation, Herndon Town Code.

Supervisor Bulova seconded the motion and it carried by unanimous vote.

DS:ds

At 3:15 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Hanley presiding.

ACTION FROM CLOSED SESSION**53. CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION (Tape 8)**

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor McConnell seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor Connolly, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley voting "AYE."

AGENDA ITEMS**54. 3 P.M. – BOARD DECISION ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-034 (TEO CHEW ASSOCIATION OF GREATER WASHINGTON, INCORPORATED) (MASON DISTRICT) (Tape 8)**

(NOTE: At its June 16, 2003, meeting the Board held a public hearing regarding this item and deferred decision until July 21, 2003.)

Supervisor Gross moved to defer decision on Special Exception Application SE 2002-MA-034 until **August 4, 2003, at 3 p.m.** Supervisor Hyland seconded the motion and it carried by unanimous vote.

55. 3 P.M. – PH ON REZONING APPLICATION RZ 2002-MA-045 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-M-069 (OAK STREET BUILDERS, LLC) (MASON DISTRICT) (Tape 8)

The Rezoning Application RZ 2002-MA-045 property is located on the south side of Little River Turnpike, approximately 500 feet east of Willow Run Drive, Tax Map 71-2 ((1)) 42 pt.

The Special Exception Amendment Application SEA 84-M-069 property is located at 6631 and 6637 Little River Turnpike, Tax Map 71-2 ((1)) 42 and 43.

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

Chairman Hanley disclosed the following campaign contribution which she had received:

- In excess of \$200 from Dominion Resources Virginia PAC

Mr. Lawrence had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 84-M-069, subject to the development conditions dated June 20, 2003.
- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-MA-045, from the R-2 and HC Districts to the R-8 and HC Districts, subject to the proffers dated June 4, 2003.
- Waiver of the minimum district size.

Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

ADDITIONAL BOARD MATTER

56. **RED FOLDERS** (Tape 8)

Chairman Hanley called the Board Members' attention to their red folders and noted that they contained updated items, including a map for the next public hearing regarding Out-of-Turn Plan Amendment S03-II-F1.

AGENDA ITEMS

57. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S03-II-F1 FOR SUB-UNITS L2, L3, AND L4 OF THE MERRIFIELD SUBURBAN CENTER, LOCATED SOUTHWEST OF ARLINGTON BOULEVARD (ROUTE 50) AND WILLIAMS DRIVE (PROVIDENCE DISTRICT)** (Tape 8)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 3 and July 10, 2003.

Following the public hearing, which included testimony by two speakers, Clara Quintero Johnson, Planner II, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendation.

Supervisor Connolly moved adoption of the Planning Commission recommendations for Out-of-Turn Plan Amendment S03-II-F1. Supervisor Hyland and Chairman Hanley jointly seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

58. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-D-006 (OAKCREST SCHOOL) (DRANESVILLE DISTRICT)** (No Tape)

(NOTE: Later in the meeting this public hearing was held. See Clerk's Summary Item CL#62.)

59. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-PR-005 (RIGGS BANK NA) (PROVIDENCE DISTRICT)** (Tape 8)

The application property is located at 2964 Chain Bridge Road, Tax Map 47-2 ((1)) 31.

Ms. Lynne J. Strobel reaffirmed the validity of the affidavit for the record.

Chairman Hanley disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Robert H. Smith

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by one speaker, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Connolly moved:

- Approval of Special Exception Application SE 2003-PR-005, subject to the development conditions dated July 17, 2003.
- Waiver of the lot width requirements for both the Miller Road and Chain Bridge Road frontages on the site.

- Modification of the transitional screening requirement along a portion of the northern property line where it abuts a PDH-4 District to permit existing vegetation and supplemental plantings as shown on the SE plat.
- Waiver of the barrier requirement along a portion of the northern property line where it abuts a PDH-4 District.
- Waiver of the trail requirement along Route 123 in favor of the existing sidewalk and a contribution to the trails fund.
- Waiver of the service drive requirement along Route 123.

Chairman Hanley seconded the motion and it carried by a vote of six, Supervisor Frey, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

60. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-MA-009 (ANNANDALE BOYS' AND GIRLS' CLUB, INCORPORATED, FORMERLY KNOWN AS ANNANDALE BOYS' CLUB, INCORPORATED) (MASON DISTRICT)** (Tape 8)

The application property is located at 6728 Industrial Road, Tax Map 80-2 ((7)) G1 and G2.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2003-MA-009, subject to the development conditions dated June 25, 2003.
- Modification of the peripheral setbacks and landscaping requirements for the parking lot in accordance with the setbacks and landscaping depicted on the special exception plat.
- Waiver of the interior parking lot landscaping requirements.

Chairman Hanley seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Mendelsohn being out of the room.

61. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT**
APPLICATION SEA 96-Y-011 (OGELTHORPE LIMITED
PARTNERSHIP) (SULLY DISTRICT) (Tape 8)

The application property is located at 15001 Northridge Drive, Tax Map 43-2 ((2)) pt. 9B, pt. 17 and pt. 29D.

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Burgess and Niple

Supervisor Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Henry A. Long

Mr. Lawrence had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 96-Y-011, subject to the development conditions dated May 20, 2003. Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Frey moved modification of the trail requirement to permit construction of a major paved trail along Braddock Road on Tax Map Parcels 43-4 ((5)) N and 43-4 ((1)) 5C in lieu of the trail along the Cub Run Stream Valley. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Kauffman, and Supervisor McConnell being out of the room.

62. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-D-006 (OAKCREST SCHOOL) (DRANESVILLE DISTRICT)** (Tape 8)

The application property is located at 850 Balls Hill Road, Tax Map 21-3 ((1)) 56A.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved approval of Special Exception Amendment Application SEA 00-D-006, subject to the development conditions dated July 17, 2003. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

SBE:sbe

63. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2002-SU-028 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-SU-033 (P – Q CENTREVILLE, LLC) (SULLY DISTRICT)** (Tape 9)

The Proffered Condition Amendment Application PCA 2002-SU-028 property is located on the south side of Lee Highway, approximately 700 feet east of its intersection with Old Centreville Road, Tax Map 54-4 ((1)) 105.

The Special Exception Amendment Application SEA 2002-SU-033 property is located at 13821 Lee Highway, Tax Map 54-4 ((1)) 105.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Alfred C. Quenneville of P - Q Centreville, LLC to the Friends of Michael Frey

Following the public hearing, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 2002-SU-028, subject to the proffers dated June 18, 2003. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 2002-SU-033, subject to the approval of PCA 2002-SU-028 and the development conditions dated July 2, 2003. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

64. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-S-077-4 (ENTERPRISE LEASING COMPANY DBA ENTERPRISE RENT-A-CAR) (SULLY DISTRICT) (Tape 9)**

The application property is located within the Chantilly Place Shopping Center in the northeast quadrant of Route 28 and Willard Road, Tax Map 44-1 (99)) D1, E2, F2 pt., F3, A pt., B and C.

Ms. Sheri L. Hoy reaffirmed the validity of the affidavit for the record.

Ms. Hoy had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Supervisor Frey disclosed the following campaign contributions which he had received on behalf of the Friends of Michael Frey:

- In excess of \$200 from Enterprise Rent-A-Car
- In excess of \$200 from Enterprise Rent-A-Car Political Action Committee
- Office Space from the shopping center owner, Burke-Vincent Place Associates and White Oak-Vincent Place Associates, through Robert F. Pence

- In excess of \$200 from Burke-Vincent Place Associates and White Oak-Vincent Place Associates

Following the public hearing, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Amendment Application SEA 88-S-077-4, subject to the revised development conditions dated July 9, 2003. Supervisor Connolly seconded the motion and it carried by a vote of seven, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

65. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-SU-011 (KIDS LAND, INCORPORATED, T/A BUSY KIDS CHILD CARE) (SULLY DISTRICT)** (Tape 9)

The application property is located at 13880 Metrotech Drive, Tax Map 34-4 ((1)) 16D pt.

Ms. Shauna S. Skerman reaffirmed the validity of the affidavit for the record.

Ms. Skerman had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Guy E. Beatty, shopping center owner, to the Friends of Michael Frey

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Application SE 2003-SU-011, subject to the development conditions dated June 25, 2003. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

66. **4 P.M. – PH ON REZONING APPLICATION RZ 2002-PR-025 (DSF/LONG METRO LLC) (PROVIDENCE DISTRICT)** (Tapes 9-10)

- (O) The application property is located on the south side of Prosperity Avenue, approximately 500 feet west of Gallows Road, Tax Map 49-1 ((16)) A pt., A1,

8A, 9, 9A, 10, 10A, and a portion of Merrilee Drive public right-of-way to be vacated and/or abandoned. [Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Merrilee Drive to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.]

Mr. Carson Lee Fifer, Jr. reaffirmed the validity of the affidavit for the record.

Mr. Fifer had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Brian J. Selfe, Mr. Henry A. Long and Ms. Elissa L. White to the Connolly for Supervisor or Connolly for Chairman Campaign.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Burgess and Niple to the Friends of Michael Frey.

Following the public hearing, which included testimony by six speakers, William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued with input from Mr. Fifer, J. Patrick Taves, Deputy County Attorney; David P. Bobzien, County Attorney; and Mr. Mayland.

Chairman Hanley relinquished the Chair to Vice-Chairman Hyland and asked unanimous consent that the Board direct staff to examine Prosperity Avenue to determine whether it can be restriped for bike lanes starting north of Lee Highway at the intersection. Without objection, it was so ordered.

Vice-Chairman Hyland returned the gavel to Chairman Hanley.

Supervisor Connolly moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-PR-025, from the I-4 District to the PRM District, subject to the proffers dated July 10, 2003. Supervisor Hyland second the motion, which carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, and Chairman Hanley voting "AYE," Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

Supervisor Connolly moved approval of a modification of the landing space requirements to permit two spaces in the western building and three spaces in the eastern building. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Frey, Supervisor McConnell, and Supervisor Mendelsohn being out of the room.

67. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-28 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-L-004-2 (KINGSTOWNE SHOPPING CENTER I, LP) (LEE DISTRICT)** (Tape 10)

The applications are located in the northwest quadrant of the intersection of Kingstowne Boulevard and South Van Dorn Street, Tax Map 91-2 ((1)) 32A.

Ms. Erika L. Byrd reaffirmed the validity of the affidavit for the record.

Ms. Byrd had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Supervisor Kauffman disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Warren E. Halle

Following the public hearing, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Proffered Condition Amendment Application PCA C-448-28, subject to the proffers dated May 27, 2003.
- Approval of Special Exception Amendment Application SEA 94-L-004-2, subject to the development conditions dated June 20, 2003.
- Reaffirmation of the previously approved modification of the transitional requirement along the north, east, and south property lines in favor of those shown on the Final Development Plan dated July 28, 1998, with a revision date of February 24, 1999.
- Reaffirmation of the previously approved waivers of the barrier requirements along the northeast and south property lines.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Connolly and Supervisor McConnell being out of the room.

68. **4:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-D-097-4 (THE POTOMAC SCHOOL) (DRANESVILLE DISTRICT)** (Tape 10)

The application property is located at 1301 Potomac School Road, Tax Map 31-1 ((1)) 5, 7, 8, and 12A.

Mr. Gregory A. Reigle reaffirmed the validity of the affidavit for the record.

Mr. Reigle had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by two speakers, Mary Ann Godfrey, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved:

- Approval of Special Exception Amendment Application SEA 85-D-097-4, subject to the development conditions dated July 18, 2003.
- Modification of the transitional screening requirements along all lot lines to allow the existing vegetation to serve as transitional screening as previously approved, subject to the proposed development conditions dated July 18, 2003.
- Waiver of the barrier requirement along the western and southern sides of the site, subject to proposed development conditions dated July 18, 2003.

Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Connolly, Supervisor Kauffman, and Chairman Hanley being out of the room.

69. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2002-MV-046 (PULTE HOME CORPORATION) (MOUNT VERNON DISTRICT)** (Tape 10)

- (O) The application property is located on the north side of Plaskett Lane, approximately 250 feet east of Silverbrook Road, Tax Map 107-2 ((1)) 33; 107-4 ((1)) 3 and 4A.

Ms. Inda E. Stagg reaffirmed the validity of the affidavit for the record.

Ms. Stagg had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Supervisor Hyland moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Connolly, Supervisor Frey, Supervisor Kauffman, and Chairman Hanley being out of the room.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2002-MV-046, from the R-1 and C-8 Districts to the PDH-12 District, and approval of the conceptual development plan, subject to the proffers dated July 21, 2003.
- Waiver of the limitation of the length of private streets.
- Modification of the barrier and transitional screening yard requirements on the portions of the eastern, southern, and northern boundaries to that shown on the Conceptual Development Plan/Final Development Plan.

Supervisor Mendelsohn seconded the motion and it carried by a vote of six, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Mendelsohn, and Acting-Chairman Bulova voting "AYE," Supervisor Connolly, Supervisor Frey, Supervisor Kauffman, and Chairman Hanley being out of the room.

70. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-DR-007 (EDWARD E. CLARK AND MARGARET M. HAHN, TRUSTEES) (DRANESVILLE DISTRICT)** (Tape 10)

(O) The application property is located in the northeast quadrant of the intersection of Chesterbrook Road and Birch Road, Tax Map 31-3 ((1)) 49.

Mr. Patrick M. Kessler reaffirmed the validity of the affidavit for the record.

Mr. Kessler had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Cathy Belgin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Mendelsohn moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ-2003-DR-007, from the R-1 District to the R-3 District, subject to the proffers dated June 13, 2003.
- Modification of the trail requirement on Old Chesterbook Road to permit the existing four foot wide asphalt trail to remain.
- Modification of the trail requirement on Birch Road, in favor of a four foot wide asphalt trail as shown on the Generalized Development Plan.

Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Mendelsohn, and Acting-Chairman Bulova voting "AYE," Supervisor Connolly, Supervisor Frey, and Chairman Hanley being out of the room.

71. **5 P.M. – PH ON REZONING APPLICATION RZ 2002-HM-041 (RIDGE ROAD DEVELOPMENT LLC) (HUNTER MILL DISTRICT)**
(Tapes 10-11)

The application property is located on the south side of Ridge Lane, approximately 300 feet west of its intersection with Sunny Creek Court, Tax Map 28-4 ((4)) 7 and 8.

Ms. Lynne Strobel reaffirmed the validity of the affidavit for the record.

Ms. Strobel had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by five speakers, Cathy Belgin, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved to defer decision on Rezoning Application RZ 2002-HM-041 until **August 4, 2003, at 3 p.m.** Supervisor Connolly seconded

the motion and it carried by a vote of six, Supervisor Frey, Supervisor McConnell, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

72. **5 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC), RELATING TO FEES CHARGED FOR THE ISSUANCE OF RESIDENTIAL PARKING PERMITS** (Tape 11)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues July 3 and July 10, 2003.

Following the public hearing, Supervisor Bulova moved adoption of proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), relating to fees charged for the issuance of residential parking permits. Supervisor Gross seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, and Vice-Chairman Hyland voting “AYE,” Supervisor Frey, Supervisor Kauffman, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

ADDITIONAL BOARD MATTER

73. **REQUEST FOR THE COUNTY TO INITIATE CONDEMNATION PROCEEDINGS (PROVIDENCE DISTRICT)** (Tape 11)

Supervisor Connolly stated that Porten Homes LLC is in the process of constructing a by-right 17-lot subdivision located on Waples Mill Road called Waples Mill Manor. Nearly a year ago a line of sight problem was identified for people traveling northbound on Waples Mill Road, turning left into the project. The previous owner of the project, the Virginia Department of Transportation (VDOT), and the Department of Public Works and Environmental Services (DPWES) did not identify this problem during the site plan approval process. To address safety issues, a temporary solution, a no left-turn sign, was installed in cooperation with DPWES and VDOT. During the past year Porten Homes identified a long term solution – to obtain easements including a temporary 7600 square foot grading easement and a permanent 1800 square foot sight distance from the owners of 11284 Waples Mill Road, identified as Tax Map 46-4-((01))-012. Porten Homes contacted the owner several times during the past year and offered to purchase the easements for considerably more than their fair market value. Unfortunately, the property owners indicated that they are not interested in selling the easements. Supervisor Connolly said that with no other options available to permanently resolve this safety issue, representatives of Porten Homes recently contacted him requesting that the County initiate condemnation proceedings to obtain easements identified above. The County is reluctant to use its power of Condemnation, however, this case may warrant the use of condemnation to resolve a safety issue.

Accordingly, Supervisor Connolly moved that the Board direct the County Attorney to research and report to the Board on August 4 with the feasibility and necessity to initiate condemnation proceedings to obtain easements located at 11284 Waples Mill Road, identify as Tax Map 46-4-((01))-12 to permanently resolve the line of sight safety issues associated with the Porten Homes, Waples Mill Manor project, Plan Number 0322-SD-01. Supervisor Bulova seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

74. **RECESS /CLOSED SESSION** (Tape 11)

At 6:35 p.m., Supervisor Connolly moved that the Board recess and go into closed session for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding the public ingress/egress easement that is over the property that is the subject of Special Permit Application SPA 80-S-043-2. Supervisor McConnell seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

At 6:50 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley, and with Vice-Chairman Hyland presiding.

ACTIONS FROM CLOSED SESSION

75. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (Tape 11)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during closed session. Supervisor McConnell seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Connolly, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor McConnell, and Vice-Chairman Hyland voting "AYE," Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

76. **PUBLIC INGRESS/EGRESS EASEMENT ON PROPERTY THAT IS THE SUBJECT OF SPECIAL PERMIT APPLICATION SPA 80-S-043-2 (SULLY DISTRICT)** (Tape 11)

In the matter of the public ingress/egress easement that is over the property that is the subject of Special Permit Application SPA 80-S-043-2, Supervisor McConnell moved that the Board authorize the County Attorney to take whatever steps the County Attorney determines may be needed to protect the interests of this Board

and the County in this matter, all in accordance with the terms and conditions discussed with the County Attorney in closed session. Supervisor Bulova seconded the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Mendelsohn, and Chairman Hanley being out of the room.

77. **BOARD ADJOURNMENT** (Tape 11)

At 6:55 p.m., the Board adjourned.

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